

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 58156

George F. Porter  
Ethel J. Porter  
87 Winchester Court  
Port Deposit, MD 21904

2144 Barrison Point Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on September 30, 2009 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 10.1, 428, 1B01.1D, 431, Zoning Commissioner's Policy Manual (ZCPM); Baltimore County Code (BCC) section 13-7-112, 115, 310, 312; 32-3-102, failure to clean property and restore it to RC code, failure to remove all trash, metal, trailers, business from residence, remove all storage of cars, car parts etc on residential property zoned Residential/RC known as 2144 Barrison Point Road, 21221.

On August 4, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Chip Raynor issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$20,000.00 (twenty thousand dollars).

The following persons appeared for the Hearing and testified: Larry Porter, son of the Respondents and, Chip Raynor, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 17, 2009 for removal of untagged/inoperative vehicles, removal of open dump/junk yard, removal of contractor's equipment storage yard, removal of commercial vehicles, cease service garage activities, removal of trailers and mobile homes, removal of junk, trash, and debris, and violation of development site plan. This Citation was issued on August 4, 2009. This Hearing was initially scheduled for September 8, 2009, and with written notice to Respondents was rescheduled for September 30, 2009.

B. Inspector Chip Raynor testified that Respondent George Porter is deceased. Mr. Larry Porter, son of Respondents, appeared for this Hearing. The property is approximately eight acres in size. A tenant who was a recycler leased the property and used it to store materials, without any permits. A crabbing business was also operated by a tenant. Photographs in the file show that the property is covered with large quantities of junk, trash, debris, equipment, trailers, car parts, and vehicles. Mr. Porter has been working to clean up the property and has made progress. Notes in the file state that Inspector Raynor spoke with the property owner on May 7, 2009 by telephone and agreed to the owner's request for more time to clean up the property.

C. Mr. Larry Porter testified that Respondents' tenant was on the property for twenty years. Mr. Porter did not see any of the County's notices until July 2009. He testified that he has been working with the tenant for the last ten days to clean up the property, but it is a big job. He requested additional time to correct violations and testified that he will have the property cleaned up by January 1, 2010.

D. Photographs of this property show an extensive open dump, with huge quantities of scrap metal, car parts, trailers, vehicles, and debris. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. Because compliance is the goal of code enforcement, the civil penalty will be substantially reduced if Respondents correct the violations within the time provided below. However, the penalty will not be completely rescinded, because property owners have a responsibility to monitor the condition of their investment property and to comply with code requirements. These violations are egregious and a civil penalty should be enforced.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$500.00 (five hundred dollars) if the violations are corrected by January 4, 2010.

IT IS FURTHER ORDERED that if junk, trash, debris, or other impermissible items remain on the property after January 4, 2010, the County may enter the property to remove such items, at the property owners' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9<sup>th</sup> day of October 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.